

EI-189

REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO, CALIFORNIA 95814-2922  
March 17, 2003

Regulatory Branch (200300136)

Gary Petersen  
Myra L. Frank & Associates, Inc.  
811 West 7th Street, Suite 800  
Los Angeles, California 90017

Dear Mr. Petersen:

This letter concerns Financial Docket No. 34305 request for information for the proposed Burlington Northern and Santa Fe Railway's 850-foot rail line connecting the Quebecor World Inc. printing and distribution facility with the BNSF mainline. This project is located in Section 14, Township 7 South, Range 13 East, M.D.B. & M., Merced, Merced County, California.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

After reviewing the provided information, it appears the project implementation may require Department of the Army authorization. The construction of your rail line may result in the discharge of dredged or fill material into a swale adjacent to Black Rascal Creek and may require approval of the District Engineer prior to starting work.


In designing your rail line, every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

It is the Corps' understanding that the Surface Transportation Board is the Federal lead agency and will insure the work complies with the Endangered Species Act, the National Historic Preservation Act and any applicable Federal laws.

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Please refer to identification number 200300136 in any future correspondence concerning this project. If you have any questions, please write to me at the letterhead address, or email [Nancy.A.Haley@usace.army.mil](mailto:Nancy.A.Haley@usace.army.mil), or telephone 916-557-7772.

Sincerely,

A handwritten signature in cursive script, reading "Nancy A. Haley".

Nancy A. Haley  
Chief, San Joaquin Valley Office